

AMENDMENT TO THE COMMITTEE PRINT
OFFERED BY MR. DOYLE OF PENNSYLVANIA

Enforcement

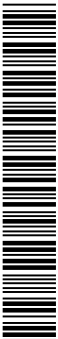
In section 630(g) of the Communications Act of 1934, as added by section 101 of the bill, strike paragraphs (3) through (7).

In section 630 of the Communications Act of 1934, as so added, after subsection (k) insert the following new subsection (and redesignate the succeeding subsections and references thereto accordingly):

1 “(l) ENFORCEMENT OF NATIONAL FRANCHISE.—

2 “(1) AUTHORITY.—The Commission shall have
3 authority to enforce compliance with any require-
4 ment under this section (other than subsection
5 (c)(3) or (f)), and a local franchising authority shall
6 have authority to enforce compliance with any re-
7 quirement under this section with respect to a cable
8 operator with a national franchise for the franchise
9 area of that franchising authority.

10 “(2) LOCAL FRANCHISING AUTHORITY PROCE-
11 DURE.—On its own motion or at the request of any



1 person, a franchising authority for a franchise area
2 may—

3 “(A) initiate a proceeding to enforce com-
4 pliance with any requirement under this section
5 by a cable operator with a national franchise
6 for that franchise area; or

7 “(B) report an alleged violation to the
8 Commission.

9 “(3) COMPLAINTS.—

10 “(A) Any person may choose to file a com-
11 plaint alleging a violation of any requirement
12 under this section (other than subsection (c)(3)
13 or (f)) by a cable operator with a national fran-
14 chise for a franchise area—

15 “(i) with the franchising authority in
16 such franchise area; or

17 “(ii) with the Commission.

18 “(B) The person filing such complaint may
19 seek any remedy available under this Act.

20 “(C) Any such complaint shall be resolved
21 within 60 days after receipt of the complaint by
22 the franchising authority or the Commission.

23 “(4) REFUNDS.—The Commission and the
24 franchising authority shall have the authority to
25 order rebates, refunds, or credits pursuant to the



1 guidelines in paragraph (5) to subscribers or fran-
2 chising authorities of a cable operator with a na-
3 tional franchise under this section for a franchise
4 area to address a violation of this section in the
5 franchise area.

6 “(5) FORFEITURES, REBATES, REFUNDS, AND
7 CREDITS.—

8 “(A) FORFEITURE GUIDELINES.—Within
9 90 days of the date of enactment of this sec-
10 tion, the Commission, in consultation with fran-
11 chising authorities, shall establish forfeiture, re-
12 bate, refund, and credit guidelines with respect
13 to violations of this section.

14 “(B) FORFEITURE ORDERS.—The guide-
15 lines addressing any forfeiture issued for a vio-
16 lation of this section shall take into account the
17 extent to which the harm from the violation, in-
18 cluding a violation of section 632(b), could be
19 remedied by a refund, rebate, or credit to the
20 customers or franchising authorities affected.

21 “(6) LOCAL FRANCHISING ORDERS.—In a pro-
22 ceeding commenced under this subsection with a
23 franchising authority, a franchising authority may
24 issue an order—



1 “(A) recommending forfeiture or ordering
2 a rebate, refund, or credit according to the
3 guidelines established by the Commission; or

4 “(B) requiring compliance with any re-
5 quirement under this section, but a franchising
6 authority may not create any new standard or
7 regulation, or expand upon or modify the Com-
8 mission’s standards and regulations.

9 “(7) ACCESS TO RECORDS.—The Commission
10 or a franchising authority shall have authority to re-
11 quire the filing of any contract, agreement, or ar-
12 rangement between a subscriber and a cable oper-
13 ator, or any other contract, agreement, data, docu-
14 ments, or records of the cable operator, directly re-
15 lated to the alleged violation.

16 “(8) APPEAL OF LOCAL ORDERS.—

17 “(A) With respect to an order of a fran-
18 chising authority under this section, any party
19 may file a notice of appeal with the Commis-
20 sion. Such notice shall be deemed denied at the
21 end of the 30-day period beginning on the date
22 of the filing unless the Commission agrees with-
23 in such period to grant review of the appeal.

24 “(B) If an order of a franchising authority
25 is not appealed, or the appeal is denied by oper-



1 ation of subparagraph (A) or by the Commis-
2 sion, the order shall be enforced by the fran-
3 chising authority or by the Commission under
4 this Act. If the Commission agrees to hear the
5 appeal, the Commission shall—

6 “(i) issue a notice to that effect to the
7 complainant, the cable operator, and the
8 franchising authority within 30 days after
9 the filing of the notice of appeal; and

10 “(ii) affirm or deny the appeal within
11 120 days after issuing notice under clause
12 (i).

13 “(C) Pending resolution by the Commis-
14 sion, the person to whom a franchising author-
15 ity order requiring compliance was issued shall
16 comply with such order, unless the Commission
17 finds good cause not to require such interim
18 compliance.

19 “(9) LOCAL FRANCHISE COST RECOVERY.—A
20 franchising authority may charge a cable operator to
21 recover the reasonable costs of enforcing the require-
22 ments of this section.

23 “(10) ANNUAL REPORT.—

24 “(A) IN GENERAL.—Not later than 1 year
25 after the date of enactment of this section, and



1 annually thereafter, the Commission shall sub-
2 mit a report to the Committee on Energy and
3 Commerce of the House of Representatives and
4 the Committee on Commerce, Science, and
5 Transportation of the Senate on the implemen-
6 tation of this subsection, including the fol-
7 lowing:

8 “(i) The number of complaints filed
9 with franchising authorities under para-
10 graph (3)(A)(i).

11 “(ii) The timeliness of the response of
12 such franchising authorities to such com-
13 plaints.

14 “(iii) The number of complaints filed
15 with the Commission under paragraph
16 (3)(A)(ii).

17 “(iv) The number of appeals filed with
18 the Commission under paragraph (8) and
19 the number such appeals which the Com-
20 mission agreed to hear.

21 “(v) The timeliness of the Commis-
22 sion’s responses to such complaints and
23 appeals.

24 “(vi) The results of such complaints
25 and appeals filed with the Commission.



1 “(B) SUBMISSION OF INFORMATION BY
2 FRANCHISING AUTHORITIES.—The Commission
3 shall request franchising authorities to submit,
4 on a voluntary basis, information about the
5 complaints filed with the franchising authorities
6 under paragraph (3)(A)(i), including the num-
7 ber of such complaints and the timeliness of the
8 response to such complaints.

